purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mrs. VUCANOVICH, Mr. CALLAHAN, Mr. MCDADE, Mr. MYERS of Indiana, Mr. PORTER, Mr. ISTOOK, Mr. WICKER, Mr. LIVINGSTON, Mr. HEFNER, Mr. FOGLIETTA, Mr. VISCLOSKY, Mr. TORRES, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. MYERS of Indiana, Mr. ROGERS, Mr. KNOLLENBERG, Mr. RIGGS, Mr. FRELINGHUYSEN, Mr. BUNN of Oregon, Mr. LIVINGSTON, Mr. BEVILL, Mr. FAZIO of California, Mr. CHAPMAN, and Mr. OBEY as the managers of the conference on the part of the House.

The message also announced that pursuant to the provisions of section 1295 b(h) of title 46, United States Code, the Speaker appoints the following Members as members of the Board of Visitors to the United States Merchant Marine Academy on the part of the House: Mr. KING and Mr. MANTON.

At 3:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. REGULA, Mr. MCDADE, Mr. KOLBE, Mr. SKEEN, Mrs. VUCANOVICH, Mr. TAYLOR of North Carolina, Mr. NETHERCUTT, Mr. BUNN of Oregon, Mr. LIVINGSTON, Mr. YATES, Mr. DICKS, Mr. BEVILL, Mr. SKAGGS, and Mr. OBEY as the managers of the conference on the part of the Houses.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WOLF, Mr. DELAY, Mr. REGULA, Mr. ROGERS, Mr. LIGHTFOOT, Mr. PACKARD, Mr. CALLAHAN, Mr. DICKEY, Mr. LIVINGSTON, Mr. SABO, Mr. DURBIN, Mr. COLEMAN, Mr. FOGLIETTA, and Mr. OBEY as the managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2020) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LIGHTFOOT, Mr. WOLF, Mr. ISTOOK, Mr. KINGSTON, Mr. FORBES, Mr. LIVINGSTON, Mr. HOYER, Mr. VISCLOSKY, Mr. COLEMAN, and Mr. OBEY as the managers of the conference on the part of the House.

MEASURE PLACED ON THE CALENDAR

The following measure was placed on the calendar:

S. Res. 168. An original resolution concerning the Select Committee on Ethics investigation of Senator PACKWOOD of Oregon.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMPSON:

S. 1223. A bill to relinquish any interest that the United States may have in certain land that was subject to a right-of-way that was granted to the predecessor of the Chicago and Northwestern Transportation Company, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself and Mr. LEVIN):

S. 1224. A bill to amend subchapter IV of chapter 5 of title 5, United States Code, relating to alternative means of dispute resolution in the administrative process, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEFFORDS:

S. 1225. A bill to require the Secretary of the Interior to conduct an inventory of historic sites, buildings, and artifacts in the Champlain Valley and the upper Hudson River Valley, including the Lake George area, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1226. A bill to require the Secretary of the Interior to prepare a study of battlefields of the Revolutionary War and the War of 1812, to establish an American Battlefield Protection Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HEFLIN:

S. 1227. A bill to extend and revise agricultural price support and related programs for cotton, peanuts, and oilseeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO (for himself, Mr. INOUYE, Mr. PRESSLER, Mr. FAIRCLOTH, and Mr. KOHL):

S. 1228. A bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 168. An original resolution concerning the Select Committee on Ethics investigation of Senator PACKWOOD of Oregon; from the Select Committee on Ethics; placed on the calendar.

By Mr. THOMAS (for himself, Mr. HELMS, Mr. PELL, Mr. D'AMATO, Mr. MACK, and Mrs. FEINSTEIN):

S. Res. 169. A bill expressing the sense of the Senate welcoming His Holiness the Dalai Lama on his visit to the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMPSON:

S. 1223. A bill to relinquish any interest that the United States may have in certain land that was subject to a right-of-way that was granted to the predecessor of the Chicago and Northwestern Transportation Company, and for other purposes; to the Committee on Energy and Natural Resources.

LAND TITLE TRANSFER LEGISLATION

• Mr. SIMPSON. Mr. President, I introduce legislation to permit the transference of clear title to certain land in Douglas, WY. I believe that this legislation should be uncontroversial because of the unique history of this land, and the obvious public benefits which will accrue from its transfer.

Among those benefits: The transfer will facilitate the cleanup of a 200-foot-wide blighted area that divides the city in half. It will also enable a number of citizens to finally secure sound and merchantable title to property on which their homes are located. These actions will do much to continue to revitalize the city's downtown business district.

The need for this legislation is based upon the particular legal history of this land. In the mid-19th century, the United States was eager to fully settle the Western territories which had been acquired during the Mexican War and in the Louisiana Purchase. The principle means of accomplishing this lay with the development of the railroads, which could bring not only settlers, but the rapid transportation of commerce.

Laying rail over these vast expanses of the West was a most expensive undertaking. Realizing this, Congress passed a number of railroad acts allowing the immediate establishment of a series of railroad right-of-ways. This was done through the use of special grants that were immediately effective once a railroad decided to locate its track over a specific piece of ground.

According to a document entitled ''Railroad Lands and Rights-of-Way'' that was prepared by The First American Title Insurance Co., these grants provided railroads with a limited fee title to strips of land ranging from 200 to 400 feet in width wherever the track might be laid, as long as they adhered to the general routes established in these congressional acts. No patents were given on these rights-of-way because the congressional act was sufficient in itself to convey the interest to the railroad.

The titles to the track strips granted by Congress have been determined by various court interpretations to be limited fee estates. This is an interpretation that has grown up over time, quite apart from the specific mandates of statutory language.

It is at this point that the city of Douglas, WY, enters the story. On March 3, 1875, one of these congressional railroad acts established a railroad right-of-way for the Chicago and Northwestern Railroad through a section of what is now central Wyoming. Almost immediately the city of Douglas, WY, was born and it grew up around the right-of-way, which still runs right smack through the center of town.

As the years passed, the railroad sold portions of land out of the 200-foot-wide easement to the local citizens. Many of these lots now contain homes whose current owners now have a quite serious problem: because the right-of-way is a limited fee, they are unable to gain good and clear title to their land.

To make matters more confounding, the railroad ceased operation and sought abandonment of this right-of-way on April 14, 1989, and filed formal notice in the Federal Register to that effect. In its wake, the railroad left behind this strip of land that has since become quite unsightly and overgrown with weeds. Additionally, this land also contains a number of dilapidated old buildings that blight the community and are dangerous attractions to young children.

Fortunately, the city of Douglas remedied one of the most serious dangers by remodeling an old depot and part of the surrounding strip into the city's chamber of commerce and a railroad interpretive center. The city stands by now, ready and able to develop the remainder of this land into an attractive subdivision if Congress is willing to transfer clear title to this land.

I trust that the Senate will approve of this legislation in order to transfer this land which previously was governed by the Chicago and Northwestern Railroad. To do so will clearly serve the public interest, and impinges upon no private interests. The good citizens of Douglas will greatly benefit from this correction of a problem rooted in long-ago 19th century law, and I earnestly urge its passage.●

By Mr. GRASSLEY (for himself and Mr. LEVIN):

S. 1224. A bill to amend subchapter IV of chapter 5 of title 5, United States Code, relating to alternative means of dispute resolution in the administrative process, and for other purposes; to the Committee on Governmental Affairs.

THE ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 1995

Mr. GRASSLEY. Mr. President, the bill that I and Senator LEVIN are introducing today, the Administrative Dispute Resolution Act of 1995, is an amendment to subchapter IV of chapter 5 of title 5 of the United States Code, a law which I sponsored in 1989. That law, also titled the ''Administrative Dispute Resolution Act,'' was designed to encourage Federal agencies to streamline dispute resolution processes through the use of alternative dispute resolution techniques instead of litigation. In other words, it would reduce our litigation process. These techniques—often collectively referred to as ADR—include mediation, arbitration, conciliation, fact-finding and minitrials, among others.

Since the implementation of the 1989 act, both Federal agencies and private parties have realized significant time and cost savings by avoiding the litigation quagmire, while sacrificing little in fairness and party satisfaction. Almost all the Federal agencies now have some sort of ADR framework in place, and most have enjoyed significant degrees of success. For example, the Environmental Protection Agency now uses mediation and arbitration processes to resolve superfund, Clean Water Act and Resource Conservation and Recovery Act disputes. The EPA and the private parties involved expressed great satisfaction with the efficiency and fairness of these techniques for the resolution of complex regulatory issues.

Not only are ADR techniques more efficient, they are also far less costly than litigation. One agency, the Federal Deposit Insurance Corporation, has estimated a savings of $13 million in legal costs in the last 3 years alone. Even better, the Resolution Trust Corporation estimated it saved $114 million over the last 4 years. Nor are these cost savings realized only in the Government. NRC, a private computer company, reduced it's pending lawsuits from 263 to 28 and cut the cost of outside attorneys' fees by half over a period of 10 years through the use of ADR techniques. Also, a contractor was able to deliver a completed rocket testing facility to the Air Force 3 months ahead of schedule and $12 million under budget by using ADR. In fact, the contractor was so satisfied with past ADR outcomes that it released all further claims against the Government.

Despite these gains, much work still remains in integrating ADR techniques into the Federal Government. Many agencies lag behind in adopting ADR programs into their daily routines. This lag is at least partially due to institutional misgivings about the new and unfamiliar. However, it is also due to legitimate concerns about confidentiality, fairness and quality assurance. It is these latter concerns that our new bill seeks to address. Based largely on an extensive and thorough analysis by the Administrative Conference of the United States, this bill modifies and clarifies the 1989 ADR Act, making ADR more attractive to both Federal agencies and private parties for solving regulatory disputes. At this time I would like to briefly summarize how the proposed act will accomplish this goal.

First, the bill removes the term ''settlement negotiations'' from the group of ADR techniques listed in the 1989 act. This will not decrease the effectiveness of the act as ''settlement negotiations'' are not and have never been covered by the act as they do not use third party ''neutrals'' in resolving conflicts. Thus, abolition of the term merely eliminates widespread agency confusion as to whether ''settlement negotiation'' is a statutorily supported ADR technique, and does not decrease the scope of the original act.

Second, the bill addresses agency confidentiality concerns by exempting all dispute resolution communications from Freedom of Information Act disclosure. Although these communications have always been confidential by implication, this amendment to the 1989 act makes that confidentiality express and clear.

Third, the bill makes it easier for agencies to acquire ''neutrals'' by streamlining competitive procedures for obtaining expert services and by allowing the acquisition of ''neutrals'' from nonprofit organizations.

Fourth, the bill eliminates the requirement that the validity of all contract claims under $100,000 be certified by the contractor. This change brings the 1989 ADR Act into conformance with the certification levels in the Contracts Disputes Act, thus encouraging the use of ADR techniques in many small disputes where they may be particularly appropriate.

Fifth, the bill authorizes the use of ''any alternate means of dispute resolution under the act or other mutually agreeable procedures'' for resolving claims. This greatly expands the range of available ADR techniques, above and beyond those listed in the statute, provided that both parties in the dispute agree to the method ultimately used.

Sixth, the bill orders the Chairman of the Administrative Conference of the United States to study the benefits and problems of Federal ADR use and report these findings to Congress 3 years after this bill is enacted. This will allow Congress to reassess the value of ADR methods at that time and make appropriate changes.

Finally, the bill permanently authorizes the ADR Act by striking the sunset provision presently in the law.

Mr. President, there has been much progress in the implementation and use of ADR techniques in the Federal Government since I first introduced the Administrative Dispute Resolution Act in 1989. Passage of this amendment to the act will further this progress by eliminating the remaining statutory barriers to ADR use and by clarifying statutory language. I hope my colleagues will join Senator LEVIN and I in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Administrative Dispute Resolution Act of 1995''.

SEC. 2. AMENDMENT TO DEFINITIONS.

Section 571 of title 5, United States Code, is amended—

(1) in paragraph (3) by striking out ''settlement negotiations,''; and

(2) in paragraph (8)—

(A) in subparagraph (B) by striking out ''decision,'' and inserting in lieu thereof ''decision.''; and

(B) by striking out the matter following subparagraph (B).

SEC. 3. AMENDMENT TO CONFIDENTIALITY PROVISIONS.

(a) TERMINATION OF AVAILABILITY EXEMPTION TO CONFIDENTIALITY.—Section 574(b) of title 5, United States Code, is amended—

(1) in paragraph (5) by adding ''or'' at the end thereof;

(2) in paragraph (6) by striking out ''; or'' and inserting in lieu thereof a period; and

(3) by striking out paragraph (7).

(b) LIMITATION OF CONFIDENTIALITY APPLICATION TO COMMUNICATION.—Section 574 of title 5, United States Code, is amended—

(1) in subsection (a) in the matter before paragraph (1) by striking out ''any information concerning''; and

(2) in subsection (b) in the matter before paragraph (1) by striking out ''any information concerning''.

(c) ALTERNATIVE CONFIDENTIALITY PROCEDURES.—Section 574(d) of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end thereof the following new paragraph:

''(2) For purposes of the application of section 552(b)(3), an alternative confidential procedure under this subsection may not provide for less disclosure than the confidential procedures otherwise provided under this section.''.

(d) EXEMPTION FROM DISCLOSURE BY STATUTE.—Section 574 of title 5, United States Code, is amended by striking out subsection (j) and inserting in lieu thereof the following:

''(j)(1) A record described under paragraph (2) shall be specifically exempted from disclosure under section 552(b)(3).

''(2) Paragraph (1) applies to any record that—

''(A) is—

''(i) generated by an agency in a dispute resolution proceeding; or

''(ii) initially provided to an agency in a dispute resolution proceeding; and

''(B) may not be disclosed under this section.''.

SEC. 4. ADMINISTRATIVE CONFERENCE REPORTING REQUIREMENTS.

On the date occurring 3 years after the date of the enactment of this Act, the Chairman of the Administrative Conference of the United States shall submit a report to Congress concerning implementation of subchapter IV of chapter 5 of title 5, United States Code (as amended by this Act) relating to alternative means of dispute resolution, by Federal agencies, including, to the extent available, information relating to the costs and benefits of using alternative means of dispute resolution.

SEC. 5. AMENDMENTS TO SUPPORT SERVICE PROVISION.

Section 583 of title 5, United States Code, is amended by inserting ''State, local, and tribal governments,'' after ''other Federal agencies,''.

SEC. 6. AMENDMENTS TO THE CONTRACT DISPUTES ACT.

Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended—

(1) in subsection (d) by striking out the second sentence and inserting in lieu thereof: ''The contractor shall certify the claim when required to do so as provided under subsection (c)(1) or as otherwise required by law.''; and

(2) in subsection (e) by striking out the first sentence.

SEC. 7. AMENDMENTS ON ACQUIRING NEUTRALS.

(a) COMPETITIVE REQUIREMENTS IN DEFENSE AGENCY CONTRACTS.—Section 2304 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

''(k) For the purpose of applying subsection (c)(3)(C), the head of an agency may procure expert services without regard to sections 8, 9, and 15 of the Small Business Act (15 U.S.C. 637, 638, and 644).''.

(b) COMPETITIVE REQUIREMENTS IN FEDERAL CONTRACTS.—Section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)), is amended by inserting at the end thereof the following new subsection:

''(i) For the purpose of applying subsection (c)(3)(C), an agency may procure expert services without regard to sections 8, 9, and 15 of the Small Business Act (15 U.S.C. 637, 638, and 644).''.

SEC. 8. PERMANENT AUTHORIZATION OF THE ALTERNATIVE DISPUTE RESOLUTION PROVISIONS OF TITLE 5, UNITED STATES CODE.

The Administrative Dispute Resolution Act (Public Law 101–552; 104 Stat. 2747; 5 U.S.C. 581 note) is amended by striking out section 11.

By Mr. JEFFORDS:

S. 1225. A bill to require the Secretary of the Interior to conduct an inventory of historic sites, buildings, and artifacts in the Champlain Valley and the upper Hudson River Valley, including the Lake George area, and for other purposes; to the Committee on Energy and Natural Resources.

THE CHAMPLAIN VALLEY HERITAGE CORRIDOR INVENTORY ACT

Mr. JEFFORDS. Mr. President, today I introduce legislation known as the Champlain Valley Heritage Corridor Inventory Act. The legislation that I am introducing is very similar to legislation that I have introduced in the past, with minor alterations to reflect the many comments I have received on this matter.

The corridor bill would inventory the many historically significant cultural resources which make up the Upper Hudson River Valley, the Champlain Valley, and the Lake George region. This would be accomplished by the Secretary of the Interior working with officials of State and local government, local historians and archaeologists, owners of historic sites, native Americans, local and regional planning commissions, local and regional chambers of commerce, interstate citizen groups, and any other interested parties. This is to be a grass roots coalition intended to benefit individuals and communities alike.

Mr. President, the legislation that I offer today seeks to enhance something that, truly, already exists. Along Lake Champlain, Lake George, and the Upper Hudson River in my home State of Vermont, and in New York and the Province of Quebec, is a wondrous corridor of heritage, perhaps unrivaled for its historic richness in all of the Western Hemisphere.

Americans wishing to discover the history, first hand, of the French and Indian wars, the decisive campaign of the American Revolution and of a key campaign of the War of 1812, must come to this area.

Fort Ticonderoga, Crown Point, the Saratoga Battlefield, Mount Independence, Bennington Battlefield, Hubbardton Battlefield, the Plattsburgh battle sites are there, and nowhere else. It is a resource the people of the north country truly cherish, and long have shared with the rest of the world.

Trouble is, it's not an easy task to guide oneself along those paths of history. I would like to change that. And if I can, it seems to me that all the people of the corridor, indeed all the people of this Nation, stand to benefit.

One day in the not-too-distant future, I would hope to see the great historic sites of this corridor linked, made easy to discover and explore. Here and there we ought to have a visitors center to help the traveler, the historian, in their search for the storied places of the past. Here and there ought to be a pulloff by the roadside with explanations of the historic significance of the area, a map. Common signage would be a great help.

A heritage corridor along these historic waterways would be a wonderful gift of our generation to future generations of Americans who would go forth to seek this Nation's fascinating past, indeed this continent's history. We should go forward in the spirit of those farsighted pioneer preservationists of this corridor, such as Ticonderoga's Pell family. Long ago they had the foresight to preserve and protect Ticonderoga, Mount Independence, Saratoga, Hubbardton, and dozens of other historic places.

T.S. Eliot said that history ''is a pattern of timeless moments.'' We are indeed fortunate that a wealth of such moments were enacted in our corridor, and that many of their settings have survived. They constitute a valued bequest that carries a considerable responsibility. They constitute a heritage that should be shared with all Americans.

Therefore, Mr. President, today I introduce this heritage corridor inventory bill. I do it in the name of the people of my home country who have long cared deeply about their history. Also, I do it in the name of those who wrote the history of the corridor that we seek to honor, preserve and make more accessible. Those names include Ethan Allen, Arthur St. Clair, Seth Warner, Robert Rogers, Philip Schuyler, George Washington, and a thousand more now forgotten, but never unappreciated, men and women who stood firm to make a new Nation called America.

Those long-ago people, and the people who live along the storied waterways that are true paths of history, deserve no less.

By Mr. JEFFORDS:

S. 1226. A bill to require the Secretary of the Interior to prepare a study of battlefields of the Revolutionary War and the War of 1812, to establish an American Battlefield Protection Program, and for other purposes; to the Committee on Energy and Natural Resources.

THE REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY ACT OF 1995

Mr. JEFFORDS. Mr. President, I am proud to say that there is in this land a great wellspring of caring for the places where freedom was won and defended. Millions of Americans have, in recent years, become aware of the hallowed ground of our Civil War battlefields, have visited them, read of them, many have written of them.

The clear and eloquent message I hear is that these treasured places should be saved, intact, for future generations. The preservation message goes forth from Gettysburg, Antietam, Manassas, Cold Harbor, Malvern Hill, Petersburg, Stones River, and dozens more Civil War places. It is heard from the banks of the Mississippi to the Atlantic Coast, from Mobile to the Monocacy.

When battlefields become severely threatened, such as has happened at Brandy Station and Manassas, there quickly develops a continuity of Americans that spreads nationwide. The American people care about their history, look on these places as national treasures, and speak eloquently and effectively for their preservation.

Five years ago, Congress responded to the growing awareness of our Civil War heritage and the concern for the sites where that heritage took form, by passing legislation that created a national Civil War Sites Advisory Commission. Composed of distinguished historians, supported by a staff of National Park Service experts, the Commission for 2 years studied the remaining Civil War battlefields. Civil War sites were visited, public meetings held, and in the end a report was written.

In that report, Commissioner James McPherson of Princeton University noted that while Americans no longer have the power to consecrate their historic sites, they clearly have the power to desecrate them. A plan of action was presented for protecting what remains of the Civil War battlefields. It is a plan now being discussed in the Halls of Congress, a plan that I strongly favor and which I hope will be acted upon.

Thanks in large part to the work of Ken Burns, before he turned to baseball, this Nation is now highly aware of its Civil War history and the places where that history took place. That war, in Lincoln's words, brought forth a new birth of freedom. It was a freedom won initially, of course, four score years earlier on the battlefields of the American Revolution.

Somewhat sadly, the Revolutionary War and War of 1812 has not had, of late, a bard the equal of Mr. Burns to sing its praises, reawaken the awareness of its history. The people nowadays do not go forth in anywhere the numbers to the Revolutionary battlefields, as they do to our Civil War fields.

Nonetheless, the Revolutionary and War of 1812 sites offer experiences full well as intriguing, meaningful, even haunting, as the scenes of the Civil War. Many of the key sites of the Revolutionary War and War of 1812 still exist, though some are in jeopardy and some are much in need of enhancement. A half million people do visit the Saratoga Battlefield each year—scene of the war's decisive battle. Yet the battlefield of Hubbardton in Vermont, a key prelude to Saratoga, and once called by National Park historian Edwin Bearss the best preserved of all American battlefields, is visited by only about 2,500 people annually. It just isn't very well known.

Fort Ticonderoga, both a French and Indian War and Revolutionary War site, receives more than 100,000 visitors annually. Yet just across Lake Champlain on the Vermont shore, Mount Independence receives only about 3,000 visitors. And it lacks a museum, even permanent toilet facilities. Yet it has been called the least disturbed major Revolutionary War site, a place where as many as 1,000 American soldiers may be buried. In the winter of 1776–77, Mount Independence was garrisoned against a British invasion from Canada. The troops there probably spent a harder winter than Washington's men at Valley Forge. Earthworks, a hospital site, blockhouse foundations, the abutments of a military bridge, all survive on the Mount. Thousands of artifacts have been dug and preserved, awaiting a proper facility for display. This is a major American historic site that needs the caring attention of this Nation. At the very least it would seem to qualify as a national cemetery.

It is part of the American freedom story, a story that, sadly, is very hard to follow today. While a great chapter of that story was written along Lake Champlain, finding the places where the story happened, following the military routes, is a near-impossible job for anyone seeking history. That is but one example of why our Revolutionary War sites need attention.

It is time to take a thorough look at our Revolutionary War places, to make a thorough study of what remain, even of what has been lost. This Nation continues to grow, the heaviest concentrations of population being along the east coast corridor. And this, of course, is where the old and fragile sites of the Revolution exist.

There needs to be done, I believe, a thorough study of Lexington and Concord, Cowpens and Brandywide, Yorktown and Saratoga. We need an assessment of Mount Independence and Crown Point, Valley Forge, and Germantown. We need to know what we have and what needs doing so that those wondrous sites are preserved and made understandable and accessible to the American public.

The American people are ever more interested in the story of their Nation's past—want their history protected and interpreted.

So I say today that Congress should act now to create a Revolutionary War and War of 1812 Sites Commission. This Commission should go forth to the places where independence was won, determine what remains, and what is needed to make sure our founding heritage is not lost. It is a task that history calls upon us to make, so that our present generations can pass on to the Americans of the fast approaching new millennium a wondrous gift of history. That gift would be the landscape where the Nation that our Civil War President called the last best hope of mankind was born in fire and blood and bravery, thus establishing the glowing promise of freedom that yet abides across this great land.

By Mr. HEFLIN:

S. 1227. A bill to extend and revise agricultural price support and related programs for cotton, peanuts, and oilseeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE SOUTHERN AGRICULTURE ACT OF 1995

Mr. HEFLIN. Mr. President, I rise today to introduce the Southern Agriculture Act of 1995. This legislation will extend and revise agricultural loan and related programs for cotton, peanuts, and oilseeds.

Some farm programs, as currently structured, have served rural America well, and in the case of southern crops, farm programs have served the rural South extremely well. Therefore, it is my intention to introduce legislation that fine tunes these programs, rather than radically restructuring them, as some as proposing.

In 1994, the cotton industry experienced a record year. Cotton production in the United States totaled a record 19.7 million bales. Production in the Southeast totaled 3.7 million bales, an increase of 89 percent over the previous year. U.S. exports and domestic mill consumption together totaled in excess of 21 million bales in 1994, the largest total offtake on record. During calendar 1994, U.S. cotton textile exports increase 15 percent above 1993 to surpass 1 billion pounds, a new record.

Much of this success is due to the structure of the cotton program. Through the use of the marketing loan, that I put in, in the 1985 farm bill, the cotton industry has been able to take advantage of favorable world prices resulting from poor planting decisions and harvest conditions experienced by some of our foreign competitors. The marketing loan has been an enormously valuable tool for this industry and is responsible for drastically reducing the cost of the cotton program by allowing producers to effectively market their crop.

The cotton program stands as a shining example of a farm program that works as it should. For instance, there will be no idled acres, or set-asides, for this year's crop, further reducing the cost of the program. Despite the perception that commodity programs pay farmer not to plant a portion of their crops, cotton producers only get paid for the cotton that they produce.

Due to the success in the manner in which the industry is operating, I see no reason to change a policy just for the sake of change. Therefore, this legislation proposes to extend the cotton program as written.

I would like to take this opportunity to recognize that while cotton has just had a record year and expectations are high for 1995, cotton producers in Alabama, and throughout the Southeast, are having to deal with a severe drought and have been plagued by an extraordinary outbreak of insect and worm infestations.

Roughly two-thirds of Alabama's cotton crop has had some degree of significant yield damage, and nearly one quarter of the State's cotton crop will not be harvested this year. As work progresses on the 1995 farm bill, I will be mindful of this situation as our deliberations continue.

Mr. President, there is a crop that is unique to a handful of States in the South that has represented more than just an economic endeavor, rather it has been responsible for a way of life and the preservation of a rural culture. The peanut program which is essential to Alabama, has lately been the target of those who would have us believe that ending this program or radically altering its structure would be in the best interest of all American consumers.

While it is acknowledged that the American farmer receives a higher amount for his peanuts, it should also be pointed out that the world price against which they are measured represents an entirely different grade and quality of peanuts. Peanuts of foreign origin are not subject to similar requirements for minimum wage, environmental protection, restricted chemical use, rigorous post harvest treatment, or inspection.

Detractors tell us that by radically changing the peanut program that consumers will realize savings at the check-out stand as a result. The GAO in 1993 interviewed both small and large manufacturers of peanuts products and were told that they ''may not pass the savings directly on to the final consumer of peanut products, but they could develop some new product lines''. What this peanut product manufacturer, anti-peanut movement sounds like to me is an effort to increase the manufacturer's bottom line, at the expense of peanut producers with absolutely no guarantee whatsoever that any savings realized by manufacturers will be passed along to consumers.

Auburn University recently released a study that indicates that the peanut industry in Alabama, Georgia, and Florida has an economic impact in the tri-State area exceeding $1.3 billion, and employment associated with economic activity related to the peanut industry exceeds 16,000 jobs in the three States. This record of success has been accomplished through one of the USDA's most cost effective commodity programs. The peanut program has a 10-year average cost of about $13 million annually.

The Auburn study goes further to indicate, using the very same economic impact model used by the Base Realignment and Closure Commission, that changes in the order of those being proposed by the antipeanut forces would cost 4,510 jobs in Alabama, Georgia, and Florida and have a negative economic impact exceeding $320 million.

However, in an effort to further limit the already minimal cost exposure of the program, this legislation will freeze the support price paid to producers at the 1995 crop level. Additionally, the Southern Agricultural Act of 1995 will eliminate other production control provisions, thereby even further reducing the cost of the program by limiting the amount of peanuts that a producer may carry over to the following year's crop.

According to the USDA, this peanut proposal will save an estimated $173 million over 7 years from the cost of the program. Furthermore, other peanut State Senators and I are working on ways to eliminate all cost to the Federal Government from the peanut program to achieve a no-net-cost program. The peanut program is vital to Alabama and I strongly support its continuation.

Soybeans are another crop of great importance to Alabama. However, due to the lack of profitability, acres planted to soybeans in Alabama have declined by 90 percent over the last 10 to 15 years.

Soybeans and other oilseeds do not receive income support under the farm program. Lacking income protection, soybean producers in Alabama and other States are vulnerable to sharp increases in production and reductions in prices. This vulnerability has resulted in a lost of over 10 million acres of soybean production in the United States since 1981, with most of this loss occurring in Southern States. Soybean production peaked in Alabama in 1979 with 2.2 million acres planted. Data on the 1995 crop indicates only 230,000 acres are planted to soybeans in Alabama.

In an effort to correct his situation, this legislation addresses this issue by increasing marketing loan rates for soybeans to $5.25 per bushel from the current level of $4.92 per bushel. While not high enough to incur outlays except during years when soybean prices fall well below historical levels, this increased loan rate will provide a minimal amount of support for our soybean producers, encouraging greater planting of soybeans in years when prices warrant it.

Every year the farming community takes risks that most Americans take for granted each time they go to the grocery store and purchase a gallon of milk or loaf of bread or jar of peanut butter. Each time they walk down the grocery aisles, there is that same consistency in quality and price that consumers now rarely, if ever, stop to appreciate. However, it is the farmer who each spring puts his family on the line by planting his crops. Every farming family is no more than a natural disaster away from losing his farm and home. Regardless, each year he again takes that risk that provides us all with the highest quality, most abundant, and most affordable food and fiber in world. For that, I strongly believe that we should, at the very least, provide some measure of a safety net for the unavoidable natural disasters and the heavily subsidized competition that our farmers must face from our foreign trading partners.

I realize that we are faced with budget realities that dictate that we must make some difficult and painful choices. We must keep in mind, though, that Commodity Credit Corporation outlays for farm programs have declined from a high of $26 billion in fiscal year 1986 to less than $9 billion in fiscal year 1995, a 65-percent reduction. According to the Congressional Budget Office, farm program outlays are projected to remain below this level for fiscal year 1996–2002, even if no changes are made in current law for existing farm programs. If all other sectors of the Federal Government had experienced the same proportion of cuts as agriculture has, the Federal budget would now be balanced. However, the upcoming reconciliation bill appears to be the place for those decisions to be debated.

The Southern Agricultural Act of 1995 is a statement of support for the continuation and improvement of the cotton, peanut, and soybean farm programs, programs that have worked well and do not warrant drastic overhaul. This bill is designed to allow these farm programs continue to build upon their many successes which include benefits to taxpayers, consumers, and producers alike.

By Mr. D'AMATO (for himself, Mr. INOUYE, Mr. PRESSLER, Mr. FAIRCLOTH, and Mr. KOHL):

S. 1228. A bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran; to the Committee on Banking, Housing, and Urban Affairs.

THE IRAN FOREIGN OIL SANCTIONS ACT OF 1995

Mr. D'AMATO. Mr. President, I rise today, along with my distinguished colleagues, Senators INOUYE, PRESSLER, FAIRCLOTH, and KOHL to introduce the Iran Foreign Oil Sanctions Act of 1995. The purpose of this legislation is simple. It will place sanctions on any foreign company that supplies

Iran with equipment to extract petroleum, natural gas, or other activities that would enable Iran to obtain hard currency with which to fund the acquisition of a nuclear bomb and to continue its funding of international terrorism. Any increase in Iranian oil revenues should be viewed as a threat to the national security and foreign policy interests of the United States.

Several months ago, I commended President Clinton for his wisdom in implementing a total United States trade ban against Iran. I had been pushing for this ban for 2 years, because I felt that it was wrong for us to be subsidizing Iranian terrorism. Thankfully, the United States no longer is doing so. I wish, however, I could say the same for the rest of the world. While Iran is racing to obtain weapons of mass destruction, most of the other countries of the world are subsidizing them through their development of the Iranian oil fields. What they are forgetting is that by providing Iran with hard currency, they are providing Iran with the means with which to fulfill their dreams of obtaining nuclear weapons. This cannot be allowed to happen.

While I know that this administration has tried to convince our allies of their mistake in subsidizing Iranian aggression, I feel that they can do more. I feel that they must have the proper tools with which to deal with the allies regarding Iran and this bill provides those tools. Our allies must understand that oil is Iran's lifeline. If we are going to persuade the Iranian regime that its efforts to achieve nuclear status, its support for international terrorism, and its horrendous human rights abuses against the Iranian people should all end, we must end the funding with which they are paying for it all. The rest of the world now must stop providing that funding.

Our legislation provides a series of mandatory sanctions and discretionary sanctions that the President may place upon any foreign company, foreign person, successor entity to that company or person, parent, and subsidiary who engages in either trade with Iran in the above-mentioned sectors or has requisite knowledge thereof.

Among the mandatory sanctions that the President can place upon the offending foreign company are the following:

Procurement sanctions which state that the U.S. Government shall not procure, or enter into any contract for the procurement of, any goods or services from such sanctioned foreign persons or any parent, subsidiary, affiliate, or successor entity thereof.

Export sanctions which state that the U.S. Government shall not issue any license or grant any other permission or authority to export any goods or technology to a sanctioned foreign person or company.

Inclusion onto the table of denial orders stating that sanctioned foreign persons shall be included within the table of denial orders for general and validated export licenses for a period of not less than three years.

Denial of entry of persons into the United States meaning that senior executives of sanctioned companies, as well as sanctioned persons are ineligible to receive visas and shall be excluded from admission into the United States.

Additional to the mandatory sanctions, there is a menu of discretionary sanctions that the President can choose from to impose upon the offending foreign company. They include the following choices:

Review of certain mergers, acquisitions, and takeovers, stating that the President may exercise his statutory authority to prohibit mergers, acquisitions, takeovers, and other similar investments in the United States by sanctioned companies and persons.

Import sanctions, stating that the President may ban the importation into the United States of products produced by any sanctioned foreign person, including any parent, subsidiary, affiliate, or successor entity.

Prohibition against export-import bank assistance for exports to foreign persons, stating that there shall be no export-import guarantees, credit, or insurance for goods or services to sanctioned companies or persons.

Loans from U.S. financial institutions, stating that the U.S. Government may prohibit U.S. financial institutions from making any loan or providing any credit to any sanctioned foreign person or company.

Prohibitions on foreign financial institutions, stating that a sanctioned foreign financial institution will lose its designation as a primary dealer in the United States, a sanctioned foreign financial institution shall not serve as an agent of the U.S. Government or serve as a repository of U.S. Government funds and a sanctioned foreign financial institution shall not engage in any line of business or conduct any business from any location that it did not conduct before the determination by the President of becoming a sanctioned company or person.

Mr. President, I want to make it clear that we are providing the President with a wide variety of options to deal with foreign companies that provide Iran with oil fields and affiliated equipment. We have provided ample waiver authority for the President, and in no way mean to tie his hands in his conduct of foreign affairs. We are, however, putting the countries of the world on notice that Iran is a dangerous country, with intentions inimical to our own, possessing aspirations that provide a real and sustained threat to the region and the world. Continued coddling and trading with Iran will only serve to build up a monster that we will have to deal with at some future time. It is better to deal with Iran now, in this manner, than a nuclear-armed Iran in the more dangerous future.

I urge my colleagues to support this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iran Foreign Oil Sanctions Act of 1995''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The efforts of the Government of Iran to acquire weapons of mass destruction and the means to deliver them endanger potentially the national security and foreign policy interests of the United States and those countries with which it shares common strategic and foreign policy objectives.

(2) The objective of preventing the proliferation of weapons of mass destruction through existing multilateral and bilateral initiatives requires additional efforts to deny Iran the financial means to sustain its nuclear, chemical, biological, and missile weapons programs.

SEC. 3. DECLARATION OF POLICY.

The Congress declares that it is the policy of the United States to deny Iran the ability to fund the development and acquisition of weapons of mass destruction and the means to deliver them by preventing Iran from acquiring equipment that would enhance Iran's ability to extract, refine, process, store, or transport petroleum, petroleum products, or natural gas.

SEC. 4. IMPOSITION OF SANCTIONS ON FOREIGN PERSONS EXPORTING PETROLEUM PRODUCTS, NATURAL GAS, OR RELATED TECHNOLOGY TO IRAN.

(a) IN GENERAL.—The President shall impose the mandatory sanctions in section 5(1) and may impose one or more of the discretionary sanctions described in section 5(2), if the President determines that a foreign person subject to this section has, with requisite knowledge, on or after the date of enactment of this Act, exported, transferred, or released to Iran, its nationals, or entities controlled by Iran or its nationals any goods or technology identified on the List of Petroleum and Natural Gas-Related Goods and Technology established by section 9 (hereafter in this Act referred to as the ''List'')—

(1) through the export from the United States of any goods or technology identified in the List that is subject to the jurisdiction of the United States, or

(2) through the export from any other country or territory of any goods or technology identified in the List that would be, if they were United States goods or technology, subject to the jurisdiction of the United States and subject to the restrictions set forth in this section.

(b) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions described in subsection (a) shall be imposed on—

(1) the foreign person with respect to whom the President makes the determination described in that subsection;

(2) any successor entity to that foreign person;

(3) any foreign person that is a parent or subsidiary of that person if that parent or subsidiary with requisite knowledge engaged in the activities which were the basis of that determination; and

(4) any foreign person that is an affiliate of that person if that affiliate with requisite knowledge engaged in the activities which were the basis of that determination and if

that affiliate is controlled in fact by that person.

SEC. 5. DESCRIPTION OF SANCTIONS.

The sanctions to be imposed on a foreign person under section 4(a) are as follows:

(1) MANDATORY SANCTIONS.—

(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from such sanctioned foreign person or any parent, subsidiary, affiliate, or successor entity thereof, as described in section 4(b).

(B) EXPORT SANCTION.—(i) The United States Government shall not issue any license or grant any other permission or authority to export any goods or technology to a sanctioned foreign person under—

(I) the Export Administration Act of 1979;

(II) the Arms Export Control Act;

(III) the Atomic Energy Act of 1954; or

(IV) any other statute that requires the prior review and approval of the United States Government as a condition for the exportation of goods and services, or their reexport, to any foreign person designated by the President as violating this section.

(ii) Sanctioned foreign persons shall be included within the Table of Denial Orders for general and validated export licenses for a period of not less than three years.

(C) DENIAL OF ENTRY OF PERSONS INTO THE UNITED STATES.—Sanctioned natural persons, and senior executive officers of sanctioned foreign persons that are corporations or partnerships, shall be ineligible to receive visas and shall be excluded from admission into the United States.

(2) DISCRETIONARY SANCTIONS.—

(A) INVESTMENT IN THE UNITED STATES AUTHORITY TO REVIEW CERTAIN MERGERS, ACQUISITIONS, AND TAKEOVERS.—The President may exercise his authority under section 721(d) of the Defense Production Act of 1950 to investigate and prohibit mergers, acquisitions, takeovers, and other similar investments in the United States by persons engaged in interstate commerce—

(i) if such actions involve foreign persons sanctioned under section 4(a); and

(ii) if the President finds, in addition to the requirements of section 721(e) of such Act, that the participation of foreign persons, sanctioned by the President under section 4(a), in activities to assist, directly or indirectly, Iran to increase the revenue available to that government by extracting petroleum, natural gas, or other activities related to these product sectors threatens to impair the national security and foreign policy interests of the United States.

(B) IMPORT SANCTION.—(i) The importation into the United States of products produced by any sanctioned foreign person, including any parent, subsidiary, affiliate, or successor entity thereof, may be prohibited.

(ii) Clause (i) includes application to—

(I) the entry of any ''finished product'' or ''component part'', whether shipped directly by the manufacturer, or by another entity; and

(II) the contracting for the provision of services in the United States or abroad by United States persons and by foreign persons in the United States.

(C) PROHIBITION AGAINST EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO FOREIGN PERSONS.—The Export-Import Bank of the United States may not guarantee, insure, extend credit, or participate in the extension of credit in connection with the export of any goods or services to any foreign person that has been made subject to the sanctions pursuant to section 4(a).

(D) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making any loan or providing any credit to any foreign person sanctioned under section 4(a) unless such foreign person is engaged in activities to relieve human suffering, within the meaning of section 203(b)(2) of the International Emergency Economic Powers Act.

(E) PROHIBITIONS ON FOREIGN FINANCIAL INSTITUTIONS.—The following prohibitions may be imposed against foreign financial institutions sanctioned under section 4(a):

(i) DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

(ii) GOVERNMENT FUNDS.—Such financial institution shall not serve as agent of the United States Government or serve as repository for United States Government funds.

(iii) RESTRICTIONS ON OPERATIONS.—Such financial institutions shall not, directly or indirectly—

(I) commence any line of business in the United States in which it was not engaged as of the date of the determination by the President under section 4(a); or

(II) conduct business from any location in the United States at which it did not conduct business as of the date of the determination by the President under section 4(a).

SEC. 6. WAIVER AUTHORITY REGARDING SANCTIONS AGAINST IRAN.

The sanctions of section 5 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to design, develop, manufacture, or acquire—

(A) a nuclear explosive device or related materials and technology;

(B) chemical and biological weapons;

(C) missiles and missile launch technology; or

(D) any missile or other delivery system capable of reaching the territory of a country the government of which shares strategic interests with the United States and is engaged in defense cooperation, including the acquisition of items identified in the United States Munitions List, with the United States; and

(3) has ceased all forms of support for international terrorism.

SEC. 7. WAIVER OF SANCTIONS AGAINST FOREIGN PERSONS.

(a) CONSULTATIONS.—If the President makes a determination described in section 4(a) with respect foreign persons, the Congress urges the President, to initiate consultations immediately with the foreign government with primary jurisdiction over that foreign person with respect to the imposition of the sanctions pursuant to this section.

(1) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay imposition of the sanctions pursuant to this section within 90 days. Following such consultations, the President shall immediately impose sanctions unless the President determines and certifies to the Congress that the government has taken specific and effective actions, including the imposition of appropriate penalties, to terminate the involvement of the foreign person in the activities that resulted in the imposition of sanctions against the foreign person.

(2) ADDITIONAL DELAY IN IMPOSITION OF SANCTIONS.—The President may delay the imposition of sanctions for up to an additional 45 days if the President determines and certifies to the Congress that the government with primary jurisdiction over the foreign person is in the process of taking the actions described in paragraph (1).

(3) REPORT TO CONGRESS.—Not later than 45 days after making a determination under section 4(a), the President shall submit to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives a report on the status of consultations with the appropriate foreign government under this subsection, and the basis for any determination under paragraph (2) that such government has taken specific corrective actions.

(b) ASSURANCES FROM FOREIGN PERSONS.—The President may terminate the sanctions against a foreign person, subject to a determination under section 4(a), if the foreign person provides assurances to the Secretary that the actions that resulted in the determination to impose sanctions have been terminated and have provided specific assurances that it will neither directly nor indirectly, or through any other person, including subsidiaries and affiliates, direct or participate in any activity to provide to Iran goods or technology on the List.

(c) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under section 4(a)—

(1) in the case of procurement of defense articles or defense services—

(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(B) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(C) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(3) to—

(A) spare parts which are essential to United States products or production;

(B) component parts, but not finished products, essential to United States products or production; or

(C) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(4) to information and technology essential to United States products or production; or

(5) to medicines, medical supplies, or other humanitarian items.

(d) PRESIDENTIAL NATIONAL SECURITY WAIVER.—(1) The President may waive the requirement in section 4(a) to impose a sanction or sanctions on a foreign person in section 4(b), for goods and technology that are not subject to the jurisdiction of the United States, 15 days after the President determines and so reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives that it is essential to the national interest of the United States to exercise such waiver authority.

(2) Any such report shall provide a specific and detailed rationale for such determination, including—

(A) a description of the conduct, including the identification of the goods and technology involved in the violation, that resulted in the determination of a violation or violations;

(B) an explanation of the efforts to secure the cooperation of the government with primary jurisdiction of the foreign person to terminate or penalize the activities that resulted in the determination of a violation;

(C) an estimate as to the significance of the goods and technology exported to Iran on that country's ability to extract, refine, process, store, or transport petroleum, petroleum products, or natural gas; and

(D) a statement as to the response of the United States in the event that such foreign person engages in other activities that under this section would constitute an additional violation.

SEC. 8. TERMINATION OF SANCTIONS.

(a) DURATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of not less than 12 months following the determination by the President under section 4(a) and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under section 4(a) has ceased to aid or abet Iran, or any individual, group, or entity owned or controlled by Iran, to acquire goods and technology on the List.

(b) WAIVER.—

(1) CRITERION FOR WAIVER.—the President may waive the continued application of any sanction imposed on any foreign person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to the Congress that the continued imposition of the sanction would have a serious adverse effect on United States national security.

(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 30 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

SEC. 9. GOODS AND TECHNOLOGY SUBJECT TO EXPORT CONTROL RESTRICTIONS.

(a) CONTROL LIST.—(1) For purposes of the determinations to be made pursuant to section 4(a), the President, in consultation with the Secretary of State and the Secretary of Energy, and the heads of other appropriate departments and agencies, shall establish and maintain the List of Petroleum and Natural Gas-Related Goods and Technology, consisting of goods or technology (including software and technical data) that the President determines materially contribute to the extraction, refining, production, storage, or transportation of petroleum, petroleum products, or natural gas and the products thereof in or by Iran, including goods and technology that are required for the development, production, or use (including the repair, maintenance, or operation of equipment) for the petroleum and natural gas activities described in this subsection.

(2) The President within 60 days of the date of enactment of this Act shall cause the List to be published in the Federal Register, together with any regulations necessary thereto. Thereafter, any revisions to the List or amendments to the regulations shall be published in the same manner.

(3) Not less than 30 days in advance of the publication of the List, it shall be provided to the Committee on Banking, Housing, and Urban Affairs of the Senate and to the Committee on International Relations of the House of Representatives. The President shall consult with such Committees regarding the content of the List and shall respond to questions regarding the basis for the inclusion on, or exclusion from, the List of specified goods and technologies.

(4) The President may delegate the functions of this subsection to the Secretary of Commerce.

(b) STATUTORY CONSTRUCTION.—Nothing in this section prevents the inclusion on the List of any goods or technology that may be produced in and traded internationally by companies in countries with which the United States cooperates in controlling the export of goods and technology to prevent the proliferation of weapons of mass destruction and the means to deliver them, or in any other country.

SEC. 10. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall transmit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 11. DEFINITIONS.

As used in this Act:

(1) ACT OF INTERNATIONAL TERRORISM.—The term ''act of international terrorism'' means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Banking, Housing and Urban Affairs and Foreign Relations of the Senate and the Committees on Banking and Financial Services and International Relations of the House of Representatives.

(3) COMPONENT PARTS.—The term ''component parts'' has the meaning given the term in section 11A(e)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(1)).

(4) FINANCIAL INSTITUTION.—The term ''financial institution'' includes—

(A) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978);

(B) a credit union;

(C) a securities firm, including a broker or dealer;

(D) an insurance company, including an agency or underwriter;

(E) any other company that provides financial services; or

(F) any subsidiary of such financial institution.

(5) FINISHED PRODUCTS.—The term ''finished products'' has the meaning given the term in section 11A(e)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(2)).

(6) FOREIGN PERSON.—The term ''foreign person'' means—

(A) an individual who is not a United States national or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is not a United States national.

(7) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(8) NUCLEAR EXPLOSIVE DEVICE.—The term ''nuclear explosive device'' means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(9) PERSON.—The term ''person'' means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity, operating as a business enterprise, and any successor of any such entity in the case of countries where it may be impossible to identify a specific government entity referred to in paragraph (2), the term ''person'' means—

(A) all activities of that government relating to the development or production of any missile equipment or technology; and

(B) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(10) PETROLEUM PRODUCTS.—As used in this section, the term ''petroleum products'' means crude oil, residual fuel oil, or any refined petroleum product.

(11) REQUISITE KNOWLEDGE.—For purposes of this subsection, the term ''requisite knowledge'' means situations in which a person ''knows'', as ''knowing'' is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2).

(12) SENIOR EXECUTIVE OFFICERS.—The term ''senior executive officers'' includes officers of sanctioned foreign persons, or their designees, who are in a position to direct the conduct or implement the policies that resulted in the determination by the President to impose sanctions against the foreign person.

(13) UNITED STATES OR STATE.—The term ''United States'' or ''State'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(14) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.